

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>DAVID THURMAN, Inmate #B36829,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 97-208-JPG</b>
	)	
<b>ODIE WASHINGTON, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

**GILBERT, District Judge:**

This action comes before the Court on Plaintiff David Thurman's request for a status update in the case (Doc. 8).

Plaintiff David Thurman and two other Illinois inmates filed this action on March 14, 1997, seeking compensation for the improper withholding of state pay during an institutional lockdown. Plaintiffs argued that they had a constitutionally protected property interest in receiving state pay and that it was therefore a violation of due process to arbitrarily withhold it.

The Court reviewed the complaint and found the action to be frivolous and thus subject to summary dismissal pursuant to 28 U.S.C. § 1915(e)(2) (Doc. 6). The Court dismissed the action and entered judgment in favor of the defendants (Doc. 7).

Plaintiff now seeks a determination from the Court as to whether this action counts as a "strike" pursuant to 28 U.S.C. § 1915(g), which states that a prisoner may not bring a civil action or appeal a civil judgment under 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United

States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

Without making any determination as to the merits of the case or as to the number of potential “strikes” that have been assessed against Plaintiff, the Court simply informs Plaintiff that the instant action was found to be frivolous and the case was summarily dismissed in July of 1997. The Clerk is **DIRECTED** to include with a copy of this order, a copy of the memorandum and order dismissing the case (Doc. 6) and the judgment entered in the action (Doc. 7).

**IT IS SO ORDERED.**

**Dated: December 4, 2006**

s/ J. Phil Gilbert  
**U. S. District Judge**